

## **REMARKS IN SUPPORT OF PATENTABILITY**

The claims have been amended by cancellation of all of the claims the examiner indicated were subject to continuing rejection in an effort to move this application forward towards allowance. Additionally, claim 36 has been amended in accordance with the examiner's suggestion to put the claim into independent form by incorporating the language of the base claim and all intervening claims. Furthermore, claim 37, previously the subject of a "means-plus-function" assertion on the part of the examiner, has been amended to eliminate the "means" language thereby to obviate the examiner's objection to the specification made pursuant to 37 CFR 1.75(d) and NPEP 608.01(o). Claims 38 and 39 have been amended to depend from claim 36.

Respecting the objection to the drawings raised under 37 CFR 1.83(a), the examiner had asserted that "the rotary member must be shown or the feature(s) cancelled from the claim(s)". As a result of cancellation of certain other claims, the rotary member is no longer recited in the claims. Accordingly, this aspect of the examiner's objection to the drawings is now moot.

The examiner had further asserted that "the bearing with a pointed inner profile, a flat inner profile with a chamfered surface and each bearing being angled with respect to the shaft such that it contacts the shaft in at least two points must be shown or the feature(s) cancelled from the claim(s)". This language is no longer included in the claims remaining pending in the application and, accordingly, this aspect of the examiner's objection to the drawings under 37 CFR 1.83(a) is now moot.

The examiner yet further asserted that the “automatic means for reversing direction of travel of the bearings of the actuator along the shaft and the adjuster biasing means must be shown or the feature(s) cancelled from the claim(s)”. This language, too, is no longer included in the claims remaining pending in the application and, accordingly, this objection to the drawings made under 37 CFR 1.83(a) is now moot.

The examiner further asserted it to be unclear “what is meant by the features shown in figure 1 setting forth a graphical symbol illustrating the rotary member as no graphical symbol is seen which represents the rotary member. In addition, it is unclear how the invention, which is drawn to a shaft, at least one bearing, and an actuator as set forth in claim 1, in addition to the rotary member of claim 2, can be shown with a shaft, at least one bearing, and an actuator which combined is a symbol of the rotary member. Similarly, the bearings as noted above are not shown in the figures, and it is not clear how a graphical symbol has been provided for the bearings.”

This language that had been in the claims, to which the examiner raised an objection as indicating it to be unclear, no longer appears in the claims remaining pending in the application. Accordingly, this objection to the application is believed moot.

The examiner further stated that corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office Action to avoid abandonment of the application. Applicant respectfully submits that no corrected drawing sheets are required in view of the cancellation of certain of the claims and the mooted nature of the examiner’s comments as noted above. Applicant respectfully submits that every feature recited in the claims, as amended, is

clearly shown in the drawings as originally filed with this application, and as amended in the paper of 12 January 2009.

In the official action of 3 April 2009, the examiner asserted that correction was required to certain of the language in the specification of the application as originally filed, purportedly to correct typographical errors, and also that correction was further required to the specification in that there was inconsistency between the stated corrections to the specification as those statements appeared in the response paper dated 12 January 2009, and the correction sheets that accompanied that response paper.

Initially, applicant's undersigned attorney respectfully apologizes for any inconvenience to the examiner as caused by inconsistency between the "Remarks" portion of the paper of 12 January and the replacement sheet portions that accompanied that paper.

In the official action, the examiner also took the position that amended of the specification was required in light of applicant's usage of the word "means" in the claims, which the examiner construed to amount to an incorporation of 35 USC 112 "means-plus-function" language that was not supported by this specification in its currently drafted form.

Applicant has amended this specification and has amended the claims in an effort to move this application forward towards allowability. As respecting the use of the term "means" in the claims and the examiner's resultant rejection based on the absence of language the examiner deemed to comply with the requirements in this specification when "means-plus-function" terminology is used, applicant's undersigned attorney has edited the specification and the claims to eliminate any usage of the term "means" in the claims, thereby obviating the

examiner's requirement for amendment of the specification to address and to elaborate on the "means-plus-function" aspects of the invention.

Applicant has also included new replacement paragraphs for each paragraph of the specification that required amendment. These paragraphs include both the paragraphs of the specification that required amendment to correct grammatically errors appearing in the original application and replacement paragraphs for those paragraphs of the application where there was inconsistency between the remarks by applicant's counsel in the 12 January 2009 paper and the replacement pages submitted with that paper.

For the examiner's convenience, each of the replacement paragraphs provided herewith is presented in a separate format, as an exhibit to the official action. Each exhibit concerns only a corresponding single paragraph of the specification. Each of the exhibit cover sheets clearly identifies the paragraph to which the exhibit relates, giving reference both to the amended specification submitted on 12 January 2009 and to the application as originally filed. Each exhibit cover sheet further states that behind the cover sheet is, on a first page, the paragraph of interest with the current amendments to that paragraph being shown, i.e., strike-through and underlining format. The exhibit further states that the second page behind the exhibit cover sheet shows the paragraph in its currently amended "clean" form, devoid of any strike-through or underlining.

For the further convenience of the examiner, applicant submits the following table correlating the exhibits with the paragraphs of the application as filed, and the paragraphs of the substitute specification submitting 12 January 2009:

Exhibit 1	Second Paragraph, page 2 Original Application	Paragraph [0005]
Exhibit 2	Second Paragraph, page 3 Original Application	Paragraph [0007]
Exhibit 3	Second Paragraph, page 5 Original Application	Paragraph [0015]
Exhibit 4	Penultimate Paragraph, page 5 Original Application	Paragraph [0016]
Exhibit 5	Last Paragraph, page 5 Original Application	Paragraph [0017]
Exhibit 6	First Paragraph, page 6 Original Application	Paragraph [0018]
Exhibit 7	Second Paragraph, page 8 Original Application	Paragraph [0031]
Exhibit 8	Second Paragraph, page 10 Original Application	Paragraph [0036]
Exhibit 9	Third Paragraph, page 10 Original Application	Paragraph [0037]
Exhibit 10	Only Full Paragraph, page 12 Original Application	Paragraph [0042]

Applicant further notes that applicant has amended the claims to eliminate all of the claims pending in the application that were indicated to be rejected on the basis of prior art by the examiner. Applicant notes that this cancellation of these claims is without prejudice to applicant's right to seek patent coverage corresponding to or equivalent to these claims in a subsequent filing such as a continuation or continuation-in-part patent application. For now, applicant again traverses the rejection of the claims made on the basis of various pieces of prior art under 35 USC 102 and requests reconsideration of the application and the rejection. Applicant further notes that applicant is submitting a Notice of Appeal herewith in order to maintain this application in a pending status, and to provide a window for the filing of a continuation or continuation-in-part, or even a request for continued prosecution.

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First Named Inventor: George Gallagher

With all of that as background, applicant respectfully submits that this application is in form for allowance, and the notification of allowance is respectfully solicited.

Respectfully submitted,  
FOX ROTHSCHILD LLP

Date: \_\_\_\_\_

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/CHARLES N. QUINN /  
Charles N. Quinn  
Reg. No.  
747 Constitution Drive, Suite 100  
P. O. Box 673  
Exton, PA 19341  
Tel: 610-458-4984  
Fax: 610-458-7337  
Email: [cquinn@foxrothschild.com](mailto:cquinn@foxrothschild.com)  
Customer No.